

05-29-02

RO3/3728

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: **Box RCE**
Commissioner for Patents
Washington, D.C. 20231

Application No.	09/328,749
Filing Date	9-Jun-99
First Named Inventor	Gebhard
Group Art Unit	3728
Examiner Name	Anthony D. Stashick
Attorney Docket No.	ADI-005

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on **6-Feb-02**.
b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
c. ☐ Amendment/Response enclosed.
d. ☐ Affidavit(s)/Declaration(s) enclosed.
e. ☐ Information Disclosure Statement (IDS) enclosed.
 i. ☐ PTO-1449
 ii. ☐ Copies of IDS Citations
f. ☐ Other _____

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2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114


- a. ☐ Small entity status
 i. ☐ was established in the prior nonprovisional application.
 ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
b. ☒ A Petition and Fee for Extension of Time for **2** months up to and including **11-May-02** is enclosed herewith.
c. ☒ A check in the amount of **\$1,140.00** is enclosed.
d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$____, to Deposit Account No. 20-0531.
e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

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3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☐ Other _____.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  Brian M. Gaff, Esq. Attorney for Applicant Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110-2704 Date: May 8, 2002 Reg. No. 44,691 Tel. No.: (617) 310-8085 Fax No.: (617) 790-0332 Email: gaff@tht.com

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